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FAX INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office			From:	Molly L. Sauter
Attn:	Michael J. Hayes - Art Unit 3763			Client:	1372.32
Fax:	(703) 872-9302			Pages:	4 including coversheet
Phone:	(703) 305-5873			Date:	December 20, 2002
Re:	USSN 09/696,350			CC:	University of South Florida (Assignee)

Urgent For Review Please Comment Please Reply Please Recycle

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GROUP 3700

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Docket No. 1372.32

PATENTS**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

RICHARD HELLER ET AL.

Serial No.: 09/696,350

Art Unit: 3763

Filed: 10/24/2000

Examiner: Michael J. Hayes

For: ELECTROPORATION DEVICE AND
METHOD

Faxed to Technology Center 3700 at (703) 872-9302

Box Non-Fee Amendment

Assistant Commissioner for Patents

Washington, D.C. 20231

BEST AVAILABLE COPY**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

STATUS

2. Applicant is an independent inventor. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**SIGNATURE OF PRACTITIONER**

Molly L. Sauter

Smith & Hopen, P.A.

15950 Bay Vista Drive, Ste. 220

Clearwater, FL 33760

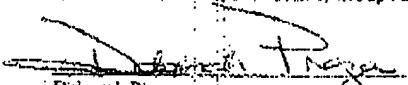
(727) 507-8558

Reg. No.: 46,457
Customer No.: 21,901**CERTIFICATE OF FACSIMILE TRANSMISSION**

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3763, Attn: Michael J. Hayes, (703) 872-9302 on December 20, 2002.

Dated: December 20, 2002


Deborah Preza

(Amendment Transmittal—page 1)

Practitioner's Docket No.: 1372.32

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of: **Richard Heller et al.**Serial No.: **09/696,350**Art Unit: **3763**Filed: **10/24/2000**Examiner: **Michael J. Hayes**For: **ELECTROPORATION DEVICE AND
METHOD**

Faxed to Technology Center 3700 at (703) 872-9302
Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed November 27, 2002, having a shortened statutory period for response set to expire December 27, 2002 as follows:

Applicant requests that the attorney docket number for the application be changed from 24394 to 1372.32.

IN THE SPECIFICATION

Applicant requests that the title of the application be changed to "ELECTROPORATION DEVICE" to reflect the election response.

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant notes that in the Examiner's action mailed November 27, 2002, the Examiner has classified Group I as drawn to a device for manipulating a molecule and cited claims 1-17 as being within this group. Group II was classified as being drawn to method of achieving distribution and delivery of a molecule from a body location into a target tissue and said to include claims 18-27. Upon further inspection, the applicant has verified that claims 1-15 should be included in Group I and that claims 16-27 should be included in Group II.

Based on the previous clarification, applicant elects to prosecute claims 1-15 of Group I, drawn to a device for manipulating a molecule, classified in class 604, subclass 20. This election is made without traverse.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By:

Molly L. Santer
Molly L. Santer
Suite 220
15950 Bay Vista Drive
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

Dated: December 20, 2002

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CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3763, Attn: Michael J. Hayes, (703) 872-9302 on December 20, 2002.

Dated: December 20, 2002

Deborah Preza
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